

HUMAN SERVICES BOARD

INTRODUCTION

FINDING OF FACT

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations, which serve as a framework for VHAP coverage, provide that orthodonture is not covered for recipients ages 21 and older. W.A.M. § 7314.1. More specifically, VHAP coverage is limited to those services and supplies listed in W.A.M. § 5351. Orthodonture is not listed for coverage under any provision in the VHAP regulations. Moreover, VHAP, unlike Medicaid, has no provision for exceptions to non-coverage based on medical necessity or detrimental health consequences. See Id. § M108. As the Department's decision denying VHAP orthodonture coverage to the petitioner is in accordance with its regulations, the Board is bound to uphold the Department's decision.¹ 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ The petitioner is advised to apply for Vocational Rehabilitation services, which might include coverage for medical expenses necessary for her to return to her past work.